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Washington, Saturday, December 4, 1937

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

DELEGATING TO THE SECRETARY OF THE INTERIOR CERTAIN
POWERS AND FUNCTIONS VESTED IN THE PRESIDENT BY THE
ACT OF FEBRUARY 22, 1935, CH. 18, 49 STAT. 30, AS AMENDED,
AND AUTHORIZING THE ESTABLISHMENT OF A PETROLEUM CON-
SERVATION DIVISION

By virtue of and pursuant to the authority vested in me by section 11 of the act entitled "AN ACT TO regulate inter-state and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935 (49 Stat. 30), as amended by the act of June 14, 1937, Public, No. 145, 75th Congress, I hereby designate and appoint the Secretary of the Interior as the agent of the President to execute all of the powers and functions vested in the President by the said act except those vested in him by section 4 thereof: *Provided*, that no regulation prescribed by the Secretary of the Interior under section 5 (a) of the said act the violation of which is punishable by fine or imprisonment shall be effective unless and until approved by the President; and I hereby expressly authorize the Secretary of the Interior to establish a Petroleum Conservation Division in the Department of the Interior, the functions and duties of which shall be: (1) to assist, in such manner as may be prescribed by the Secretary of the Interior, in administering the said act, (2) to cooperate with the oil- and gas-producing States in the prevention of waste in oil and gas production and in the adoption of uniform oil- and gas-conservation laws and regulations, and (3) to keep informed currently as to facts which may be required for the exercise of the responsibility of the President under section 4 of the said act.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

December 1, 1937.

[No. 7756]

[F. R. Doc. 37-3506; Filed, December 2, 1937; 1:50 p. m.]

EXECUTIVE ORDER

REGULATIONS UNDER THE ACT OF FEBRUARY 22, 1935 AS AMENDED
BY THE ACT OF JUNE 14, 1937

WHEREAS, by virtue of and pursuant to the authority vested in me by the Act of Congress entitled "An Act To regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935, (49 Stat. 30), as amended by the Act of June 14, 1937 (Public No. 145, 75th Congress, 1st Session), hereinafter referred to as said Act, and the Executive Order of the

President of the United States No. 6979 (February 28, 1935), and the Executive Order of the President of the United States No. 7756 (Dec. 1, 1937), I am authorized to prescribe such regulations as I may find necessary or appropriate for the enforcement of the provisions of said Act, and to require certificates of clearance for petroleum and petroleum products, moving or to be moved in interstate commerce from any particular area, whenever I find it necessary or appropriate for the enforcement of the provisions of said Act.

The following regulations are hereby adopted for the administration and enforcement of the provisions of said Act:

Regulation I

When used in this Order or in subsequent Orders and regulations prescribed pursuant to said Act and Executive Orders, or in any forms prescribed thereunder:

SECTION 1. The term "person" shall include any individual, partnership, corporation or joint stock company.

SECTION 2. The term "producer" shall include every person having any part in the control or management of any operation by which petroleum is produced from any property. Every person in possession of crude petroleum who refuses to identify the prior owner thereof, from whom he acquired the same, shall be deemed the producer of such petroleum within the meaning of this Order.

SECTION 3. The term "refiner" shall include every person who has any part in the control or management of any operation by which the physical or chemical characteristics of petroleum or petroleum products are changed, but exclusive of the operations of passing petroleum through separators to remove gas, placing petroleum in settling tanks to remove basic sediment and water, dehydrating petroleum and generally cleaning and purifying petroleum. Within the term shall be included every person who blends petroleum with any product of petroleum.

SECTION 4. The term "reclamation plant" shall include every plant operated in the process of reclaiming, treating or washing waste petroleum, wash oil, pit oil, fugitive oil, basic sediment, or tank bottoms.

SECTION 5. The term "Casinghead gasoline plant" shall include every plant or device by the use of which gasoline or natural gasoline or casinghead gasoline (as those terms are commonly understood in the industry), or any of them, is extracted by any process or method from natural gas or casinghead gas, or from any gas liberated from petroleum in the process of refining.

SECTION 6. The term "pipe line" shall include every line of pipe, however constructed and regardless of length, and all receiving, storage and delivery tanks and facilities used in the operation thereof, by which petroleum or any petroleum product is transported, regardless of whether or not such line of pipe is owned, in whole or in part, by the person producing, refining, processing, manufacturing, purchasing, cleansing, or marketing such petroleum or such petroleum product, or by any or all such persons jointly, or by any



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other person or combination of persons, except that the term "pipe line" shall not include any line from a well to lease storage, or any line used in actual plant operations, and not used in the receipt or delivery of petroleum or petroleum products. The terms "pine line system" and "gathering system" are included within the term "pipe line."

SECTION 7. The term "transporting agency" shall include railroads, pipe lines, gathering systems, tankers, barges, trucks, or any other means of conveyance used for transporting petroleum or petroleum products.

SECTION 8. The term "storer" shall include every person who places petroleum or any petroleum product in any receptacle and keeps the same in any such receptacle for any period of time longer than is usually required in the ordinary conduct of business to move the same currently into the channels of trade and commerce; but excluding the ordinary working stocks of refiners and transporters by pipe line.

SECTION 9. The term "petroleum" when used singly and separate and apart from "product" shall include petroleum in its crude form, and the terms "product (or products) of petroleum" or "petroleum product (or products)" shall include any article produced or derived in whole or in part from petroleum or any product thereof by refining, processing, manufacturing or otherwise. Whenever natural gas is produced in conjunction or coincidentally with petroleum, such natural gas and all products derived therefrom shall be considered petroleum products. The terms "oil", "crude oil", and "crude petroleum" shall be considered synonymous with petroleum in these regulations.

SECTION 10. The term "barrel of petroleum" means 42 United States gallons of petroleum measured and calculated to net or gross quantities in accordance with the regulations of the State authorities in force at the point of production, or in the absence of such regulations, measured and calculated in the manner generally in use in the industry at such point of production. The term "barrel" as used otherwise in these regulations shall mean 42 United States gallons of the article referred to.

SECTION 11. The term "contraband oil" means petroleum which, or any constituent part of which, was produced, transported, or withdrawn from storage in excess of the amounts permitted to be produced, transported, or withdrawn from storage under the laws of a State or under any regulation or order prescribed thereunder by any board, commission, officer, or other duly authorized agency of such State, or any of the products of such petroleum.

SECTION 12. The term "interstate commerce" means commerce between any point in a State and any point outside thereof, or between points within the same State but through any place outside thereof, or from any place in the United States to a foreign country, but only in so far as such commerce takes place within the United States.

Regulation II

The Secretary of the Interior shall, whenever the facts in any area render it necessary or appropriate for the enforcement of the provisions of said Act, designate such area (hereinafter sometimes referred to as "designated area") and shall establish a Board or Boards to issue certificates of clearance in accordance with the provisions of said Act. He shall establish such further regulations as may be necessary or appropriate in order to enforce the provisions of the said Act in any such area.

Regulation III

No person shall ship or transport in interstate commerce from any designated area petroleum or petroleum products unless a certificate of clearance covering such petroleum or petroleum products has been issued in conformity with the provisions of this Order.

No person shall ship or transport from any designated area petroleum or petroleum products not covered by a certificate of clearance if such petroleum or petroleum products are commingled with petroleum or petroleum products all or part of which are to be shipped or transported in interstate commerce.

Whenever petroleum or petroleum products shall be shipped or transported from any designated area without a certificate of clearance first having been issued therefor, no person shall ship, reship or transport in or divert into interstate commerce such petroleum or petroleum products, in whole or in part, or any petroleum or petroleum products commingled therewith unless a certificate of clearance covering such petroleum or petroleum products has been issued therefor.

The provisions of this Order shall apply to petroleum and petroleum products transported in interstate commerce in railroad engine tenders, in fuel or other tanks of automotive vehicles, or in vessels of all kinds whether as part of the cargoes or for consumption.

The certificates of clearance hereinabove referred to shall be known as "Tenders".

Regulation IV

Each Board established in accordance with Regulation II, hereinafter referred to as "Boards", shall consist of one or more persons who shall be appointed from time to time by the Secretary of the Interior and who shall serve at his pleasure. Whenever any Board consists of more than one person, such Board may designate one or more of its members to act for the Board. Each Board is charged with the duty of hearing and investigating all applications for Tenders prescribed by this Order and of determining as a matter of fact whether the petroleum and petroleum products for which a Tender is requested do or do not constitute contraband oil. In the case of applications for Tenders covering petroleum or petroleum products not produced, refined, processed or manufactured on the date application is made, each Board is charged with the duty of determining whether or not facts have been presented showing that the petroleum or petroleum products to be transported will or will not constitute contraband oil as above defined if the terms of the application are fulfilled. Each Board is further charged with the duty of approving such applications for Tenders if it finds that the petroleum or petroleum products are not or will not constitute contraband oil. No Tender shall be approved until application for approval has been presented on a form approved by the Secretary of the Interior, nor unless the reports hereinafter required have been made and are in order, nor until complete information has been furnished by the applicant enabling the Board to calculate and ascertain the true facts concerning the petroleum or petroleum products covered by the application. Denial of any such Tender shall be by order of the Board, and only after reasonable opportunity for hearing.

Production of books and records of the applicant relative to an application for a Tender may be required by any Board for inspection before approval thereof, and any Board may require the submission of specific information relative to an

application in the form of sworn statements or otherwise, and may itself or through its agents examine any properties and facilities which it deems may afford information necessary to pass upon an application.

Each Board is authorized to make regulations governing its procedure. The members of each Board shall have power to administer oaths or affirmations. No Tender shall be approved except after hearing held not less than twelve hours subsequent to the filing of the application therefor and after notice has been given by posting a brief description of the application on a bulletin board at or near the place of hearing. Each Board is authorized, in cases of emergency, to waive any of the formal requirements of this Order, provided that the substance thereof is maintained, and provided that public notice of such waiver be given and be recorded at the next succeeding hearing held by the Board.

Regulation V

An application for approval of a Tender may be made to a Board where the ultimate destination of the movement of petroleum or petroleum products is unknown at the time of application, and application for approval of a Tender may further be made, at the option of the applicant, even though the immediate movement of the petroleum or petroleum products is intrastate, if the applicant contemplates that in the future such petroleum or petroleum products, or products derived from such petroleum or petroleum products will be moved in interstate or foreign commerce.

Regulation VI

Where application is made for approval of a Tender covering petroleum commingled with petroleum which is not shown to have been produced, transported or withdrawn from storage within the amounts permitted by State law, or regulations or orders prescribed thereunder, such Tender shall not be approved, nor shall a Tender covering any product of such commingled petroleum be approved; and where application is made for approval of a Tender covering any petroleum product commingled with a petroleum product derived from petroleum which is not shown to have been produced, transported or withdrawn from storage within the amounts permitted by State law, or regulations or orders prescribed thereunder, or commingled with petroleum which is not shown to have been so produced, transported or withdrawn from storage, such Tender shall not be approved.

Regulation VII

Any person transporting petroleum or any petroleum product covered by a Tender shall endorse on the back of such Tender a sworn return showing the quantity of petroleum or petroleum products actually transported, using the form on the reverse side of the copies designated "Tender Original" and "Tender Return" for this purpose and shall deliver in person or by mail the copy designated "Tender Return" to the Board issuing the Tender. Said delivery in the case of pipe lines shall be made within ten days, and in the case of other transporting agencies, within two days after the date of the last shipment made under said Tender, or within the same periods of time after the expiration of the Tender, whichever event first occurs. Said return shall be signed and sworn to by a duly authorized agent of the pipe line or other transporting agency.

Regulation VIII

The first transporting agency, other than a pipe line, transporting petroleum or petroleum products from any designated area in interstate commerce shall stamp on the shipping papers the following: "This shipment is covered by Tender No. _____, issued by _____ on the _____ day of _____, 19____." (the number, the title of the Board and the date shall be filled in to identify the Tender). Pipe lines shall, in lieu of such stamp on the shipping papers, notify the consignee in writing within three days after the date of delivery to such consignee of the date, the title of the Board, the number of the Tender and the amount

and kind of petroleum or petroleum products delivered thereunder. No person transporting petroleum or any petroleum product shall receive any more of the commodity than is covered by the Tender, and no such person shall receive any different commodity than is described therein.

Regulation IX

Every transporting agency, other than a pipe line, transporting petroleum or any petroleum product from any designated area to a destination within the same State, which petroleum or petroleum product is not covered by a Tender, shall stamp on the shipping papers a notation that the petroleum or petroleum product was transported from the designated area and that said petroleum or petroleum product and any petroleum or petroleum product commingled therewith may not be shipped, reshipped or transported in or diverted into interstate commerce unless an approved Tender shall first be obtained. Such notation shall appear on the shipping papers covering every subsequent shipment of such petroleum or petroleum product within the State. Every pipe line transporting petroleum or any petroleum product from any designated area to a destination within the same State, which petroleum or petroleum product is not covered by a Tender, shall notify in writing the consignee at or before the time of delivery to him that said petroleum or petroleum product was transported from the designated area, and that said petroleum or petroleum product and any petroleum or petroleum product commingled therewith may not be shipped, reshipped or transported in or diverted into interstate commerce unless an approved Tender shall first be obtained.

Regulation X

All persons producing, refining, processing, manufacturing, transporting, withdrawing from storage or otherwise handling petroleum or any petroleum product in any designated area shall permit any person or persons authorized by me or by any Board to enter upon their properties, plants and facilities, and to examine all the books and records kept or required to be kept in accordance with this Order, and all other books, papers, records, vouchers, run-tickets, bills of lading, way bills, charges, memoranda or other documents which are used by them in connection with producing, refining, processing, manufacturing, transporting, withdrawing from storage or otherwise handling petroleum or any petroleum product, and to inspect such plants, facilities and properties, and to gauge tanks, and to examine wells, pipe lines, gathering systems, flow lines, pipe connections, storage tanks, loading racks, separators, pumps, meters or other measuring devices, and any other equipment or instruments.

Regulation XI

Every producer and refiner in any designated area shall accurately gauge and measure all petroleum and petroleum products before any part thereof leaves his possession or control. No means or device which prevents or hinders such accurate measurement shall be used. Complete and accurate records of all such measurements shall be kept up to date and preserved, and shall be open to the inspection of any person authorized by me or by any Board.

Regulation XII

From the effective date of this Order the following records shall be made and preserved accurately and completely showing the following facts with respect to production, refining, processing, manufacturing, transporting, withdrawing from storage or otherwise handling petroleum or petroleum products in any designated area:

A. By Producers:

(1) The location of the producing properties, the number and location of wells thereon, and the allowable production for each property and well as prescribed by the proper State agency.

(2) The names and addresses of all persons having any interest in or title to the petroleum at the time of its pro-

duction, including those owning royalty or overriding royalty interests.

(3) An opening and closing inventory of the crude petroleum on hand each 24 hour day.

(4) The daily production in barrels of petroleum produced from each lease and well (estimated as to wells which are produced into common tankage and of which no separate gauge is made) with a notation of the allowance made for basic sediment and water, and the tanks, identified by number and location into which the petroleum is run.

(5) The amount of petroleum consumed upon each property daily.

(6) A daily record of all deliveries of petroleum or petroleum products, showing the names and places of business of all persons to whom such petroleum or petroleum products are delivered, whether purchasers, consignees or transporting agencies, the quantity involved in each delivery, transportation or other disposition, the identity of the means of transportation by which the petroleum or products are removed, and the identifying numbers of State and Federal Tenders.

(7) Gauge tickets, and run tickets, as made by the employees actually performing or observing the operations to which such records relate.

(8) True and complete copies of all reports, communications and diagrams filed or required to be filed under this Order.

(9) Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the production of petroleum.

B. By every purchaser, refiner, storer, shipper or consigner of petroleum or petroleum products, by every casing-head gasoline plant, and by every person dealing in petroleum or petroleum products as a factor, broker, buyer or seller:

(1) An opening and closing inventory of petroleum and petroleum products on hand each 24 hour day.

(2) The daily receipts of petroleum and the petroleum products showing the amount received, the place and date of each receipt, the tanks identified by location and number into which received, the names and addresses of all producers or other persons from whom the crude petroleum and the petroleum products were received, a description identifying the transporting agency by which received, and the identifying numbers of State and Federal Tenders under which received.

(3) The amount of petroleum and petroleum products used or otherwise disposed of daily showing the amount run to stills and to cracking units and the amount and type of petroleum products refined, processed or manufactured.

(4) A daily record of all deliveries of petroleum and petroleum products including the names and addresses of purchasers and a description identifying the transporting agency delivering the same, and the identifying numbers of State and Federal Tenders under which delivered.

(5) Crude, pumping, still, transfer, and yield reports as made by the employees actually performing or observing the operations to which such records relate.

(6) True and complete copies of all reports, communications, and diagrams filed or required to be filed under this Order.

(7) Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the purchasing, refining, storing, shipping or consigning or otherwise dealing in as a factor, broker, buyer or seller of petroleum and petroleum products.

C. By every person operating a reclamation plant:

(1) An opening and closing inventory of all petroleum and petroleum products on hand each 24 hour day.

(2) The number of barrels of each kind of petroleum and petroleum products which came into the possession of such plant daily, the name and address of each person from whom possession was acquired, the location from which the petroleum and petroleum products were acquired, the quantities acquired from each prior possessor and from each location, a description identifying the transporting agency by which such petroleum and petroleum products were acquired, and the numbers identifying the State and Federal Tenders under which acquired. In case any petroleum or petroleum product is picked up or reclaimed by such plant from any creek, river, stream or the bed thereof, such record shall also contain information as to the apparent source of the petroleum or petroleum product before it went into such creek, river, stream or the bed thereof.

(3) The number of barrels reclaimed by such plant daily and the disposition thereof showing the names and addresses of purchasers, a description identifying the transporting agency used in making delivery, and the identifying numbers of State and Federal Tenders.

(4) The original records made by the employees actually performing or observing the operations to which such records relate as required by items (1) (2) and (3) above.

(5) True and complete copies of all reports, communications and diagrams filed or required to be filed under this Order.

(6) Such other records as may now be required under the rules and regulations of all other governmental agencies, State or Federal, which supervise, regulate or tax the reclaiming or handling of petroleum or petroleum products.

D. By Pipe Lines:

(1) An opening and closing inventory including overages of crude petroleum and petroleum products on hand each 24 hour day.

(2) The daily receipts of all petroleum and petroleum products showing the kind, grade and quantity received, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination, and the identifying numbers of State and Federal Tenders covering the same.

(3) In case of the first transporting pipe line, and where possible in cases of subsequent transporting pipe lines, the location of the properties where the petroleum or petroleum products were produced, refined, processed or manufactured, the names and addresses of persons removing the petroleum or petroleum products from the properties where produced, refined, processed or manufactured, and a description identifying the transporting agency used in making delivery from such properties.

(4) A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination or stopped in the course of transportation, showing the disposition thereof.

(5) Copies of all run-tickets, way bills, division and transfer orders and other documents used in the transportation of petroleum or petroleum products.

(6) True and complete copies of all reports, communications and diagrams filed or required to be filed under this order.

(7) Such other records as may now be required under the rules or regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the transportation of petroleum or petroleum products.

E. By transporting agencies, other than pipe lines:

(1) The daily shipments of all petroleum and petroleum products showing the kind, grade and quantity transported, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination, the identifying numbers of State and Federal Tenders, and in the case of railroads the car initials and numbers identifying the various shipments.

(2) A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination, or stopped in the course of transportation, showing the disposition thereof.

(3) Copies of all way bills, bills of lading and other documents used in the transportation of petroleum or petroleum products.

(4) True and complete copies of all reports and communications filed or required to be filed under this Order.

(5) Such other records as may now be required under the rules or regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the transportation of petroleum or petroleum products.

The records required by this Regulation to be made and preserved shall be made currently as the transactions involved occur. Such records prescribed in sub-paragaphs (1), (3), (4), (5), and (6) of sub-division A of this Regulation shall be kept on the lease or property to which they relate, or shall be kept in the field office or field headquarters from which the operations on such properties are conducted. Such records prescribed under sub-paragaphs (1), (2), (3), and (4) of sub-division B, (1), (2) and (3) of sub-division C, and (1), (2), (3) and (5) of sub-division D of this Regulation shall be kept at the field office or field headquarters from which the operations involved are conducted. Such records prescribed under sub-paragaphs (1) and (3) of sub-division E of this Regulation shall be kept at the freight office where the shipping papers for any shipment originate.

Regulation XIII

No transporting agency transporting petroleum or petroleum products from any designated area in interstate commerce shall accept for shipment any petroleum or any petroleum product unless the billing and other records of transportation covering such shipment truly and accurately describe by its proper and generally accepted name the commodity so shipped. Every transporting agency shall be held responsible for the truth of its records, way bills, bills of lading, division or transfer orders and other papers relating to such shipment, and shall be answerable as for a violation of these Regulations for each false billing of any such petroleum or petroleum product.

Regulation XIV

Each producer, refiner, reclamation plant, casinghead gasoline plant, pipe line, and storer of petroleum or petroleum products in any designated area shall file with the Board for said area monthly reports on forms approved by the Secretary of the Interior. Each report on such forms shall be subscribed and sworn to by the person required to file the same, using the form of affidavit therein contained, and the person required to file the report must make therein a full, truthful and complete disclosure of all the information required on the form and necessary to the full use thereof.

Regulation XV

Each transporting agency, other than pipe lines, transporting petroleum or petroleum products in or from any designated area shall make available daily to the Board for said area for inspection copies of all way bills, or other papers fulfilling the functions thereof, covering the movement during the preceding day of petroleum or petroleum products in or from said area, both interstate and intrastate. Upon request of the Board such way bills or other papers shall be attached to an affidavit executed by a duly authorized agent of the transporting agency stating that the way bills or other papers cover all shipments of petroleum or petroleum products moved by the transporting agency during the period named therein.

Regulation XVI

Every producer, refiner, pipe line, gathering system, reclamation plant and casinghead gasoline plant within any des-

ignated area shall keep and maintain in the office of the Board for said area a diagram or diagrams which shall accurately and completely show to scale, so far as is applicable to that particular business, the location of each lease, the location and identifying number of each well, the location, capacity and identifying number of all tanks, the location and size of all pipe lines, flow lines and gathering systems operated by it, and the location and sizes of all pipe lines, flow lines, gathering systems and other outlets attached to its properties, and every method by which oil is delivered to and from its properties. Such diagrams shall be brought up to date at least semi-annually or otherwise as the Board may require in order to show any change taking place in the information shown thereon, either by the filing of a new diagram or by corrections made upon the diagram on file.

Regulation XVII

When any affidavit or other sworn statement is required by this Order, or by Orders promulgated pursuant hereto or to said Act or Executive Orders, to be made or filed by any person, such affidavit or sworn statement must be made or filed by any real person in interest owning, producing, refining, processing, manufacturing, transporting, withdrawing from storage or otherwise handling petroleum or petroleum products involved in the transaction or transactions which are the subject of such affidavit or sworn statement; provided, however, that such affidavit or sworn statement may be made or filed by a duly authorized agent of such real party in interest when proof of his authorization has been filed with the Board or other agency with which the affidavit or sworn statement is to be filed on or before the date of filing said affidavit or sworn statement.

Regulation XVIII

The shipper, or duly authorized agent of the shipper, a copy of whose authorization has been filed with the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., of a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas or Louisiana for shipment by tanker, barge, or other vessel, in whole or in part in interstate or foreign commerce, including the intermediate shipment to any point from which shipments of petroleum or petroleum products in interstate or foreign commerce customarily are made, shall transmit by mail to the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., with full postage paid, not later than twenty-four (24) hours after the date of sailing, a report and affidavit in duplicate on form designated OCB-1, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

The master, owner, charterer, or duly authorized agent of the owner or charterer of any tanker, barge, or other vessel, a copy of whose authorization has been filed with the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., upon discharging at any port in the United States a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas or Louisiana for shipment in interstate or foreign commerce, shall transmit by mail, with full postage paid, to the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., within twenty-four (24) hours of completion of each discharge operation, partial or complete, a report in duplicate on form designated OCR-2, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

Regulation XIX

The Petroleum Conservation Division, and any Board established under Regulation II hereof, when authorized by the Secretary of the Interior, shall make necessary investi-

gations, within or outside of any designated area, to carry out and accomplish the purposes of said Act.

Regulation XX

If any provision of this Order or any clause, sentence or part hereof is held unauthorized or invalid for any reason, or the application thereof to any person, circumstance, commodity or class of transactions with respect to any commodity be held unauthorized or invalid for any reason, the validity of the remainder of this Order and the application of such provisions to other persons, circumstances, commodities and classes of transactions shall not be affected thereby.

The Executive Order of the President of the United States (No. 6980-B), dated March 1, 1935, except in so far as it applies to or affects any violation thereof or any action which has been or may hereafter be taken because of such violation, is hereby revoked.

The operation of this Order shall be immediately effective.

Approved, prescribed and promulgated this 6th day of October, 1937.

HAROLD L. ICKES
Secretary of the Interior.

Approved

FRANKLIN D ROOSEVELT

Dec. 1, 1937

[No. 7757]

[F. R. Doc. 37-3507; Filed, December 2, 1937; 1:53 p. m.]

EXECUTIVE ORDER

CONSTITUTING DESIGNATED AREA, AND ESTABLISHING FEDERAL TENDER BOARD NO. 1

By virtue of and pursuant to the authority vested in me by the Act of Congress entitled "An Act To regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935, (49 Stat. 30), as amended by the Act of June 14, 1937, (Public No. 145, 75th Congress, 1st Session), hereinafter referred to as said Act, and the Executive Order of the President of the United States, No. 6979, of February 28, 1935, and Executive Order No. 7756, this date promulgated; and

WHEREAS, when, By Executive Order No. 6980-C approved March 1, 1935, I designated the area known as the East Texas Field and appointed Federal Tender Board No. 1 for the purpose of issuing certificates of clearance for said Field and administering the regulations prescribed under said Act, I found that large quantities of contraband oil were originating in and being shipped and transported in interstate commerce from said Field; that actual production of petroleum in said Field was in excess of the amounts permitted to be produced under the Laws of the State of Texas and under the regulations and orders prescribed thereunder by the Railroad Commission of Texas, a substantial part of which moved in interstate commerce; that large quantities of contraband oil, a substantial part of which was available immediately for interstate transportation, were actually situated in said Field; and that various devices and operations had been and were being used in said Field to obstruct the enforcement of the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas, all of which resulted in conditions which were wasteful and conducive to a decreased ultimate recovery of oil from said Field; and

WHEREAS, I find the operations of said Board in said Field have assisted materially in the enforcement of the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas, have prevented the movement of contraband oil from said Field in interstate commerce, and have aided materially in the estab-

lishment of conditions which will result in a material increase in the ultimate recovery of petroleum from said Field, the benefit of which will accrue to the interest of the public, the State of Texas, and the United States of America; and

WHEREAS, I find that the potential production of petroleum in said East Texas Field continues to be and is at this time greatly in excess of the production currently permitted by the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas; that the actual production of petroleum in said East Texas Field is approximately fourteen per cent of the total actual production of petroleum in the United States and is equal approximately to the aggregate production of the States of Kansas, Louisiana and New Mexico; that the estimated reserve of recoverable petroleum in said Field comprises approximately one-fourth of the estimated reserves of recoverable petroleum from all of the presently known fields of the United States; that there are in said Field more than 22,000 oil wells, a substantial proportion of which are capable of producing at this time quantities of petroleum greatly in excess of the amounts currently allowed to be produced by the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas; that there is in said Field equipment, including numerous refineries, reclamation plants, casinghead gasoline plants, gathering systems, storage facilities, field and trunk pipe lines, loading racks, railroads, and tank trucks, which would make possible the immediate shipment in interstate commerce of quantities of petroleum and petroleum products greatly in excess of the quantity of petroleum currently allowed to be produced by the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas; that such production in violation of said State Laws and orders would result in a material loss and wasteful use of the reservoir energy in said Field and in a substantial decrease in the amount of petroleum ultimately to be recovered from said Field, to the detriment of the public, the State of Texas and the United States of America; that there is actually situated in said Field at this time large quantities of contraband oil, a substantial part of which is available immediately for transportation in interstate and foreign commerce; and that bypasses and other devices and operations that have been used to obstruct the enforcement of the Conservation Laws of the State of Texas and the orders thereunder of the Railroad Commission of Texas could again be used immediately in the violation of said State Laws and Orders; and

WHEREAS, I found that it was necessary and appropriate for the enforcement of the provisions of said Act to require certificates of clearance for petroleum and petroleum products moving or to be moved in interstate commerce from said East Texas Field and to establish a Board for the issuance of such certificates. I now find that it is necessary and appropriate to continue to require certificates of clearance for petroleum and petroleum products moving or to be moved in interstate commerce from said East Texas Field and to continue to maintain a Board for the issuance of such certificates;

NOW, THEREFORE, it is ordered:

Article I

That part of the State of Texas included within the Counties of Gregg, Upshur, Smith, Rusk, and that part of Cherokee County covered by the Miguel de los Santos Coy, Pratt and Wesley Dikes Surveys (to be known as the East Texas Field) is hereby constituted a designated area within the meaning of Regulation II of Executive Order No. 7757, and the regulations prescribed by said Order shall apply to all petroleum and petroleum products in or from said area and to all persons producing, refining, processing, manufacturing, storing, shipping or transporting petroleum or petroleum products in or from said area.

Article II

I hereby establish a Board to be known as Federal Tender Board No. 1, for the purpose of issuing certificates of clearance for such area under said Act and administering the regulations prescribed under said Act. Such Board shall consist of one or more persons who shall be appointed by the Secretary of the Interior and shall serve at his pleasure. The principal office of Federal Tender Board No. 1 shall be located at Kilgore, Texas.

Article III

Applications to Federal Tender Board No. 1 for certificates of clearance, supporting affidavits for said applications, and returns relative thereto shall be made on forms in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

Article IV

Monthly reports by refineries, reclamation plants, casing-head gasoline plants, pipe lines and producers operating in the East Texas Field shall be made on forms in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

Article V

The operation of this order shall be immediately effective. Approved, prescribed and promulgated this 6th day of October, 1937.

HAROLD L. ICKES
Secretary of the Interior.

Approved

FRANKLIN D ROOSEVELT

Dec. 1, 1937

[No. 7758]

[F. R. Doc. 37-3508; Filed, December 2, 1937; 1:54 p. m.]

EXECUTIVE ORDER

REVOKING EXECUTIVE ORDERS NOS. 7024-B AND 7129-A

WHEREAS, by Executive Order No. 7024-B, of April 25, 1935, pursuant to the authority vested in me by the Act of Congress entitled "An Act To regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935 (49 Stat. 30), and the Executive Order of the President of the United States No. 6979, of February 28, 1935, I created and designated an Agency to be known as the "Federal Petroleum Agency No. 1", as an administrative and investigative agency in connection with tenders presented to the Federal Tender Board No. 1, appointed by Executive Order No. 6980-C, of March 1, 1935; and

WHEREAS, by Executive Order No. 7129-A, of August 6, 1935, pursuant to the authority vested in me by the Act of Congress approved February 22, 1935, supra, I required reports of loadings and discharges of petroleum and petroleum products moved in interstate commerce;

NOW, THEREFORE, it is hereby ordered that said Executive Orders No. 7024-B and No. 7129-A are hereby revoked and superseded by Executive Order No. 7757 (Regulations Under the Act of February 22, 1935 As Amended by the Act of June 14, 1937) and Executive Order No. 7758 (Constituting Designated Area, and Establishing Federal Tender Board No. 1).

HAROLD L ICKES
Secretary of the Interior

Approved

FRANKLIN D ROOSEVELT

Dec. 1, 1937

[No. 7759]

[F. R. Doc. 37-3509; Filed, December 2, 1937; 1:54 p. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Order No. 102]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 14 AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43 directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Fourteen having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number Fourteen having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Fourteen and to other evidence and pertinent data relating to the classifications of coals for District Number Fourteen:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Fourteen, set out preceding the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Fourteen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Fourteen and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number 14 or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Fourteen to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Fourteen and to code members within said district, and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary.*

[F. R. Doc. 37-3491; Filed, December 2, 1937; 11:04 a. m.]

[Order No. 103]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 16 AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43 directed all District Boards to

propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number 16 having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number 16 having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number 16 and to other evidence and pertinent data relating to the classifications of coals for District Number 16:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number 16, set out preceding the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number 16, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number 16 and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number 16 or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number 16 to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number 16 and to code members within said district, and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary.*

[F. R. Doc. 37-3492; Filed, December 2, 1937; 11:04 a. m.]

[Order No. 104]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF ARKANSAS AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT FORT SMITH, ARKANSAS, ON DECEMBER 16, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Arkansas directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Arkansas on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be

¹ 2 F. R. 1688, 2149 (D).

regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Arkansas would be desirable, and upon investigation hereby orders:

1. That on December 16, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Goldman Hotel, Fort Smith, Arkansas, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Arkansas, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Arkansas in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Fort Smith, Arkansas, on December 16, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Arkansas, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Arkansas in which bituminous coal is produced.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary.*

[F. R. Doc. 37-3493; Filed, December 2, 1937; 11:04 a.m.]

[Order No. 105]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF OKLAHOMA AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT MUSKOGEE, OKLAHOMA, ON DECEMBER 21, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate Interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Oklahoma directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Oklahoma on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate

transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Oklahoma would be desirable, and upon investigation hereby orders:

1. That on December 21, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Hotel Severs, Muskogee, Oklahoma, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Oklahoma, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Oklahoma in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Muskogee, Oklahoma, on December 21, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Oklahoma, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Oklahoma in which bituminous coal is produced.

By order of the Commission.

Dated this 30th day of November, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary.*

[F. R. Doc. 37-3494; Filed, December 2, 1937; 11:05 a.m.]

[Order No. 106]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 17 AS PROVIDED BY COMMISSION'S ORDER NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43¹ directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number 17 having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number 17 having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by The Commission in its Orders No. 38 and No. 43; and, the Commission having given due

¹ 2 F. R. 1688, 2149 (DI).

FEDERAL REGISTER, Saturday, December 4, 1937

consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number 17 and to other evidence and pertinent data relating to the classifications of coals for District Number 17:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number 17, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number 17, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number 17 and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number 17 or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number 17 to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number 17 and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 2nd day of December, 1937.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-3510; Filed, December 3, 1937; 11:00 a.m.]

[Order No. 107]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER 18 AS PROVIDED BY COMMISSION'S ORDER NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38 and No. 43¹ directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number 18 having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; and Bituminous Coal Producers Board for District Number 18 having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number 18 and to other evidence and pertinent data relating to the classifications of coals for District Number 18:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.),

known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number 18, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number 18, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number 18 and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number 18 or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number 18 to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number 18 and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 2nd day of December, 1937.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-3511; Filed, December 3, 1937; 11:00 a.m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

WR-B-101—New Mexico, Supplement 6 Issued December 2, 1937
1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—NEW MEXICO, SUPPLEMENT 6

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101¹—New Mexico, as amended by Supplement 1, Supplement 2, Supplement 3, Supplement 4, and Supplement 5, is further amended by this supplement as follows:

Part VI, Section 4, Subsection A, is amended to read as follows:

"A. If the 1937 acreage of soil-depleting crops, except cotton, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1, Part II; *Provided, however,* That if the general soil-depleting base on any non-diversion farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton, in excess of 20 acres."

Part XI, Section 2, is amended to read as follows:

"SEC. 2. *Deduction for insufficient acreage of soil-conserving crops.*—Where a net Class I payment for diversion from the cotton soil-depleting base has been computed for the applicant in accordance with the applicable provisions of the foregoing Section I, the deduction for failure to have sufficient soil-conserving acreage on the farms with respect to

¹ 2 F. R. 1688, 2149 (DI).

¹ 2 F. R. 485 (DI).

which cotton soil-depleting bases have been established will be determined as follows:

"A. Determine the applicant's share¹ of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases as follows:

"1. To the sum of the applicant's share of the net decrease from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever sum is the smaller, add the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton soil-depleting base.

"B. For each farm with a cotton soil-depleting base, compute the applicant's share² of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

"C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under Subsection B of this Section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases obtained under Subsection A of this Section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of \$3.00 for each deficit acre."

Done at Washington, D. C., this 2nd day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3502; Filed, December 2, 1937; 12:47 p. m.]

WR-B-101-Kansas, Supplement 6

Issued December 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—KANSAS, SUPPLEMENT 6

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101,³ Kansas, as amended by Supplement 1, Supplement 2, Supplement 3, Supplement 4, and Supplement 5, is further amended by this supplement as follows:

Part XI, Section 2 is amended to read as follows:

"Sec. 2. *Deduction for insufficient acreage of soil-conserving crops.*—Where a net Class I Payment for Diversion from the cotton or tobacco soil-depleting base has been computed for the applicant in accordance with the applicable provisions of the foregoing Section I, the deduction for failure to have sufficient soil-conserving acreage on the farms with respect to which cotton and tobacco soil-depleting bases have been established will be determined as follows:

"A. Determine the applicant's share of the acreage of soil-conserving crops with respect to the cotton and tobacco soil-depleting bases as follows:

"1. To the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton or tobacco soil-depleting base add—

"a. The sum of the applicant's share of net decrease from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever is smaller, and

"b. The sum of the applicant's share of net decrease from the tobacco soil-depleting bases or the sum of the applicant's share of maximum diversion from the tobacco soil-depleting bases, whichever is smaller.

¹The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of Part V governing the applicant's share of payment.

²F. R. 460 (DI).

"B. For each farm with a cotton or tobacco soil-depleting base, compute the applicant's share¹ of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

"C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under subsection B of this section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton and tobacco depleting bases obtained under subsection A of this section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of \$3.00 for each deficit acre."

Done at Washington, D. C. this 2nd day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3503; Filed, December 2, 1937; 12:48 p. m.]

WR-B-101-California, Supplement 4

Issued December 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—CALIFORNIA, SUPPLEMENT 4

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin 101,³ California, as amended by Supplement 1, Supplement 2, and Supplement 3, is further amended by this supplement as follows:

Part XI, Section 2 is amended to read as follows:

"Sec. 2. *Deduction for insufficient acreage of soil-conserving crops.*—Where a net Class I Payment for diversion from the cotton soil-depleting base has been computed for the applicant in accordance with the applicable provisions of the foregoing Section I, the deduction for failure to have sufficient soil-conserving acreage on the farms with respect to which cotton soil-depleting bases have been established will be determined as follows:

"A. Determine the applicant's share¹ of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases as follows:

"1. To the sum of the applicant's share of the net decrease from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever sum is the smaller, add the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton soil-depleting base.

"B. For each farm with a cotton soil-depleting base, compute the applicant's share¹ of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

"C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under subsection B of this section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases obtained under subsection A of this section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of \$3.00 for each deficit acre."

¹The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of Part V governing the applicant's share of payment.

²F. R. 441 (DI).

FEDERAL REGISTER, Saturday, December 4, 1937

Done at Washington, D. C. this 2nd day of December 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3504; Filed, December 2, 1937; 12:48 p. m.]

WR-B-101—Arizona, Supplement 4

Issued December 2, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

WR BULLETIN NO. 101—ARIZONA, SUPPLEMENT 4

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101¹—Arizona, as amended by Supplement 1, Supplement 2 and Supplement 3, is further amended by this supplement as follows:

Part XI, Section 2, is amended to read as follows:

"SEC. 2. Deduction for insufficient acreage of soil-conserving crops."—Where a net Class I Payment for diversion from the cotton soil-depleting base has been computed for the applicant in accordance with the applicable provisions of the foregoing Section I, the deduction for failure to have sufficient soil-conserving acreage on the farms with respect to which cotton soil-depleting bases have been established will be determined as follows:

"A. Determine the applicant's share² of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases as follows:

"1. To the sum of the applicant's share of the net decrease from the cotton soil-depleting bases or the sum of the applicant's share of maximum diversion from the cotton soil-depleting bases, whichever sum is the smaller, add the sum of the applicant's share of the normal acreage of soil-conserving crops on each farm with a cotton soil-depleting base.

"B. For each farm with a cotton soil-depleting base, compute the applicant's share² of the 1937 acreage of soil-conserving crops and total the amounts thus obtained.

"C. If the applicant's share of the 1937 acres of soil-conserving crops obtained under subsection B of this section 2, is less than the applicant's share of the acreage of soil-conserving crops required with respect to the cotton soil-depleting bases obtained under subsection A of this section 2, a deduction shall be made from any payment other than a range-building payment which otherwise would be made to the applicant at the rate of \$3.00 for each deficit acre."

Done at Washington, D. C., this 2nd day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3505; Filed, December 2, 1937; 12:48 p. m.]

Bureau of Agricultural Economics.

ORDER OF DESIGNATION OF TOBACCO MARKETS

KENTUCKY

Whereas, the Act of Congress approved August 23, 1935 (49 Stat., 731) entitled "The Tobacco Inspection Act" contains the following provisions:

Sec. 2. That transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; that such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; that the classification of tobacco according to type, grade, and other characteristics affects the prices received therefor by producers; that without uniform standards of classification and inspection the evaluation of tobacco is

¹ 2 F. R. 435 (D).² The applicant's share of any payment, deduction, acreage, etc., shall be determined in accordance with the provisions of Part V governing the applicant's share of payment.

susceptible to speculation, manipulation, and control, and unreasonable fluctuations in prices and quality determination occur which are detrimental to producers and persons handling tobacco in commerce; that such fluctuations constitute a burden upon commerce and make the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interest therein.

Sec. 5. That the Secretary is authorized to designate those auction markets where tobacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce. Before any market is designated by the Secretary under this section he shall determine by referendum the desire of tobacco growers who sold tobacco at auction on such market during the preceding marketing season. The Secretary may at his discretion hold one referendum for two or more markets or for all markets in a type area. No market or group of markets shall be designated by the Secretary unless two-thirds of the growers voting favor it. The Secretary shall have access to the tobacco records of the Collector of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining the names and addresses of growers who sold tobacco on any auction market, and the Secretary shall determine from said records the eligibility of such grower to vote in such referendum, and no grower shall be eligible to vote in more than one referendum. After public notice of not less than thirty days that any auction market has been so designated by the Secretary, no tobacco shall be offered for sale at auction on such market until it shall have been inspected and certified by an authorized representative of the Secretary according to the standards established under this Act, except that the Secretary may temporarily suspend the requirement of inspection and certification at any designated market whenever he finds it impracticable to provide for such inspection and certification because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service: *Provided*, That, in the event competent inspectors are not available, or for other reasons, the Secretary is unable to provide for such inspection and certification at all auction markets within a type area, he shall first designate those auction markets where the greatest number of growers may be served with the facilities available to him. No fee or charge shall be imposed or collected for inspection or certification under this section at any designated auction market. Nothing contained in this Act shall be construed to prevent transactions in tobacco at markets not designated by the Secretary or at designated markets where the Secretary has suspended the requirement of inspection or to authorize the Secretary to close any market."

and

Whereas pursuant to said Act a referendum has been held among the growers of Burley tobacco, Type 31, who sold tobacco at auction on the Danville, Kentucky tobacco market during the last marketing season, in which referendum said growers were given an opportunity to vote for or against the designation of said market as provided in Section 5 of said Act; and

Whereas more than two-thirds of the growers voting in said referendum and who sold tobacco at auction on said market during the last marketing season voted in favor of said designation,

Now, therefore, by virtue of the authority conferred upon me by Section 5 of The Tobacco Inspection Act and the affirmative results of the referendum conducted thereunder, the city of Danville, Kentucky is designated as a market where tobacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce.

It is hereby ordered, That, effective 30 days from this date no tobacco shall be offered for sale at auction on the above-named market until it shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under the Act; provided, however, that the requirement of inspection and certification may be suspended at such times as it is found impracticable to provide inspectors or when the quantity of tobacco available for inspection is insufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated herein.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, this 3rd day of December 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3512; Filed, December 3, 1937; 12:41 p. m.]

Bureau of Animal Industry.

NOTICE

DECEMBER 2, 1937.

To GREAT FALLS LIVESTOCK MARKETING ASSOCIATION, INC.,
Great Falls, Montana.

Whereas Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition.

And, whereas, the stockyard of the Great Falls Livestock Marketing Association, Inc. (Great Falls Meat Company Stockyards), north and east of Great Falls, Montana, was posted on the 14th day of December, 1936, as coming within the foregoing definition;

And, whereas, after an inquiry it has been ascertained by me as Secretary of Agriculture of the United States that this stockyard is no longer operated as a public market:

Now, therefore, notice is hereby given that the stockyard of the Great Falls Livestock Marketing Association, Inc. (Great Falls Meat Company Stockyards), north and east of Great Falls, Montana, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3499; Filed, December 2, 1937; 12:47 p. m.]

NOTICE

DECEMBER 2, 1937.

To DEAN SULLIVAN AND JOHN W. SMEED,
Doing business as O. K. Sale Yard, Caldwell, Idaho.

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain

subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as O. K. Sale Yard, at Caldwell, State of Idaho, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3500; Filed, December 2, 1937; 12:47 p. m.]

NOTICE

DECEMBER 2, 1937.

To NATIONAL STOCK YARDS,
Jacksonville, Florida.

Whereas, Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

And whereas, the National Stock Yards, Jacksonville, Florida, was posted on the 1st day of November, 1921, as coming within the foregoing definition:

And whereas, after an inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the area of the National Stock Yards now used for stockyard purposes is less than 20,000 square feet:

Now, therefore, notice is hereby given that the National Stock Yards, Jacksonville, Florida, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3501; Filed December 2, 1937; 12:47 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 164]

AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 29, 1937.

I hereby amend Administrative Order No. 142¹ in the following manner:

"The Wisconsin 8016B Douglas allotment of \$54,000 shall be expended as follows: \$4,000 to be used for operation expenses, \$15,000 to complete construction of lines in Wis-

¹ 2 F. R. 2422 (DI).

FEDERAL REGISTER, Saturday, December 4, 1937

consin 16 Douglas, and \$35,000 to construct 43 miles of line to serve 160 customers in Douglas County, Wisconsin."

JOHN M. CARMODY, Administrator.

[F. R. Doc. 37-3488; Filed, December 2, 1937; 9:35 a. m.]

[Administrative Order No. 165]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 29, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Iowa 8038W Pocahontas	\$10,000
Minnesota 8056W Crow Wing	13,000
North Dakota 8011W Cass	10,000

JOHN M. CARMODY, Administrator.

[F. R. Doc. 37-3488; Filed, December 2, 1937; 9:35 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, A. D., 1937.

[File No. 50-3]

IN THE MATTER OF CENTRAL MASSACHUSETTS LIGHT & POWER COMPANY AND MASSACHUSETTS UTILITIES ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

Various applications and declarations having been filed pursuant to Sections 7, 11, 12 and 15 of the Public Utility Holding Company Act of 1935, by Central Massachusetts Light & Power Company and Massachusetts Utilities Associates, subsidiary companies of New England Power Association, a registered holding company, as follows:

Massachusetts Utilities Associates and Central Massachusetts Light & Power Company have submitted a plan of liquidation of said Central Massachusetts Light & Power Company, pursuant to Section 11 (e) of the Act, and have applied for an order approving said plan;

Central Massachusetts Light & Power Company has applied for a report on said plan pursuant to Section 11 (g) of the Act and Rule 12E;

Central Massachusetts Light & Power Company has applied for approval of the payment of a liquidating dividend, pursuant to Rule 12C-2;

Central Massachusetts Light & Power Company has applied for approval of the retirement by it of its preferred and common shares, pursuant to Rule 12C-1;

Central Massachusetts Light & Power Company has filed a declaration as to solicitation of consents to said plan, pursuant to Rule 12E;

Central Massachusetts Light & Power Company has filed a declaration, pursuant to Section 7 of said Act, regarding an amendment to its Declaration of Trust, for the purpose of effecting the consummation of the plan;

Massachusetts Utilities Associates has applied for approval of certain accounting entries, pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies.

It is stated, in effect, that said plan of liquidation provides that upon liquidation of Central Massachusetts Light & Power Company, a voluntary trust, the public holders of the 6% preferred shares of Central Massachusetts Light & Power Company will become entitled to cash equal to the full amount to which such preferred shares are entitled in liquidation (\$125 and accrued dividends) and that the

public holders of the common shares of Central Massachusetts Light & Power Company will be given three options: (a) to receive in cash the fair value of their common shares as determined by a committee of disinterested persons selected by and from the Trustees of Central Massachusetts Light & Power Company; (b) to receive, in lieu of cash, such amount of outstanding preferred shares of Massachusetts Utilities Associates and such amount of outstanding Massachusetts Utilities Associates voting trust certificates as shall have been determined by a majority of the trustees of Central Massachusetts Light & Power Company, or a committee of such Trustees; (c) or any holder of common shares not voting in favor of the plan, shall be entitled to receive in cash the value of his shares as redetermined by arbitration, such right of arbitration and appraisal to be conditional upon demand for arbitration made within thirty days after the vote upon such plan.

It is ordered, That a hearing on such matters be held on December 20, 1937, at eleven o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3516; Filed, December 3, 1937; 12:58 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, A. D., 1937.

[File No. 50-4]

IN THE MATTER OF COMMONWEALTH GAS & ELECTRIC COMPANIES AND MASSACHUSETTS UTILITIES ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

Various applications and declarations having been filed pursuant to Sections 7, 11, 12, and 15 of the Public Utility Holding Company Act of 1935, by Commonwealth Gas & Electric Companies and Massachusetts Utilities Associates, subsidiary companies of New England Power Association, a registered holding company, as follows:

Massachusetts Utilities Associates and Commonwealth Gas & Electric Companies have submitted a plan of liquidation of said Commonwealth Gas & Electric Companies, pursuant to Section 11 (e) of the Act, and have applied for an order approving said plan;

Commonwealth Gas & Electric Companies has applied for a report on said plan pursuant to Section 11 (g) of the Act and Rule 12E;

Commonwealth Gas & Electric Companies has applied for approval of the payment of a liquidating dividend, pursuant to Rule 12C-2;

Commonwealth Gas & Electric Companies has applied for approval of the retirement by it of its preferred and common shares, pursuant to Rule 12C-1;

Commonwealth Gas & Electric Companies has filed a declaration as to solicitation of consents to said plan, pursuant to Rule 12E;

Commonwealth Gas & Electric Companies has filed a declaration, pursuant to Section 7 of said Act, regarding an amendment to its Declaration of Trust, for the purpose of effecting the consummation of the plan;

Massachusetts Utilities Associates has applied for approval of certain accounting entries, pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies.

It is stated, in effect, that said plan of liquidation provides that upon liquidation of Commonwealth Gas & Electric Companies, a voluntary trust, the public holders of the preferred and common shares of Commonwealth Gas & Electric Companies will become entitled to: (a) To receive in cash the fair value of their shares as determined by a committee of disinterested persons selected by and from the Trustees of Commonwealth Gas & Electric Companies; (b) to receive, in lieu of cash, such amount of outstanding preferred shares of Massachusetts Utilities Associates and such amount of outstanding Massachusetts Utilities Associates voting trust certificates as shall have been determined by a majority of the trustees of Commonwealth Gas & Electric Companies, or a committee of such Trustees; (c) or any holder of common shares not voting in favor of the plan, shall be entitled to receive in cash the value of his shares as redetermined by arbitration, such right of arbitration and appraisal to be conditional upon demand for arbitration made within thirty days after the vote upon such plan.

It is ordered, That a hearing on such matter be held on December 20, 1937, at eleven o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3517; Filed, December 3, 1937; 12:58 p.m.]

United States of America—Before the Securities
And Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, A. D., 1937.

[File No. 50-2]

IN THE MATTER OF MASSACHUSETTS LIGHTING COMPANIES AND
MASSACHUSETTS UTILITIES ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

Various applications and declarations having been filed pursuant to Sections 7, 11, 12, and 15 of the Public Utility Holding

Company Act of 1935, by Massachusetts Lighting Companies and Massachusetts Utilities Associates, subsidiary companies of New England Power Association, a registered holding company, as follows:

Massachusetts Utilities Associates and Massachusetts Lighting Companies have submitted a plan of liquidation of said Massachusetts Lighting Companies, pursuant to Section 11 (e) of the Act, and have applied for an order approving said plan;

Massachusetts Lighting Companies has applied for a report on said plan pursuant to Section 11 (g) of the Act and Rule 12E;

Massachusetts Lighting Companies has applied for approval of the payment of a liquidating dividend, pursuant to Rule 12C-2;

Massachusetts Lighting Companies has applied for approval of the retirement by it of its preferred and common shares, pursuant to Rule 12C-1;

Massachusetts Lighting Companies has filed a declaration as to solicitation of consents to said plan, pursuant to Rule 12E;

Massachusetts Lighting Companies has filed a declaration, pursuant to Section 7 of said Act, regarding an amendment to its Declaration of Trust, for the purpose of effecting the consummation of the plan;

Massachusetts Utilities Associates has applied for approval of certain accounting entries, pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies.

It is stated, in effect, that said plan of liquidation provides that upon liquidation of Massachusetts Lighting Companies, a voluntary trust, the public holders of the 8% preferred shares and the 6% preferred shares of Massachusetts Lighting Companies will become entitled to cash equal to the full amount to which such preferred shares are entitled in liquidation (\$125 and accrued dividends) and that the public holders of the common shares of Massachusetts Lighting Companies will be given three options: (a) To receive in cash the fair value of their common shares as determined by a committee of disinterested persons selected by and from the Trustees of Massachusetts Lighting Companies; (b) to receive, in lieu of cash, such amount of outstanding preferred shares of Massachusetts Utilities Associates and such amount of outstanding Massachusetts Utilities Associates voting trust certificates as shall have been determined by a majority of the trustees of Massachusetts Lighting Companies, or a committee of such Trustees; (c) or any holder of common shares not voting in favor of the plan, shall be entitled to receive in cash the value of his shares as redetermined by arbitration, such right of arbitration and appraisal to be conditional upon demand for arbitration made within thirty days after the vote upon such plan.

It is ordered, That a hearing on such matter be held on December 20, 1937, at eleven o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party

FEDERAL REGISTER, Saturday, December 4, 1937

to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3515; Filed, December 3, 1937; 12:57 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, A. D. 1937.

[File No. 43-95, 46-81]

IN THE MATTER OF LOUIS R. GATES, R. W. SAMUELSON, IRA C. SNYDER, DONALD L. PETTIS, A. Z. PATTERSON REORGANIZATION MANAGERS OF THE UNITED TELEPHONE AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by Louis R. Gates, Commercial Bank Building, Kansas City, Kansas, R. W. Samuelson, Salina, Kansas, Ira C. Snyder, Manhattan, Kansas, Donald L. Pettis, 540 Omaha National Bank Building, Omaha, Nebr., and A. Z. Patterson, 1313 Dierks Building, Kansas City, Mo., on behalf of a new company to be formed in the reorganization of United Telephone and Electric Company pursuant to a 77B Bankruptcy Proceeding before the United States District Court, District of Delaware, for the acquisition of the securities and certain current assets held by the trustee of said United Telephone and Electric Company; and a declaration pursuant to section 7 of said Act having been filed with the Commission by the same persons for the issue by said new company of 4½% Sinking Fund Debentures in a principal amount of \$1,398,096.68, 49,413¾ shares of Convertible Preferred Stock 5% Non-cumulative, with a par value of \$4,941,375, 104,982¾ shares of no-par common stock and non-interest bearing evidences of indebtedness, one-half payable June 30, 1938, and the remainder on June 30, 1939, in a principal amount of \$51,084.86;

It is ordered, That a hearing on such matter be held on December 20, 1937, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1937.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3514; Filed, December 3, 1937; 12:57 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December, 1937.

IN THE MATTER OF ALBERT A. HALL, DOING BUSINESS AS A. A. HALL COMPANY, 60 BROAD STREET, NEW YORK, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Albert A. Hall, doing business as A. A. Hall Company, a sole proprietorship, hereinafter called the registrant, having filed with the Commission on July 2, 1935 an application for registration on Form 1-M pursuant to Rule MA2 of the rules then governing the over-the-counter markets; and the said registration having become effective on January 1, 1936, in accordance with the Commission's rules and regulations; and the said registrant having become registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended, by virtue of the provisions of Section 10 of the Act of Congress approved May 27, 1936, providing for the registration of over-the-counter brokers and dealers; and

The Commission having reasonable grounds to believe that the said registrant during the period from March 8, 1936, up to and including April 25, 1936, has willfully violated the Securities Act of 1933, as amended, in the sale of certain securities; and

The Commission having further reasonable grounds to believe that it is in the public interest to revoke the said registration; and

The said registrant, on November 26, 1937, having consented in writing to the revocation of the said registration, and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Albert A. Hall, doing business as A. A. Hall Company, as a broker or dealer transacting business on the over-the-counter markets be and the same is hereby revoked.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3518; Filed, December 3, 1937; 12:58 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of December, A. D., 1937.

[File No. 2-2324]

IN THE MATTER OF PETERSEN ENGINE CO., INC.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Petersen Engine Co., Inc., a New York corporation, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Item 54 and the prospectus, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Petersen Engine Co., Inc., a New York corporation, be and the same hereby is suspended.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3513; Filed, December 3, 1937; 12:57 p. m.]